

FMISSOURI CIRCUIT COURT
 TWENTY-FIRST JUDICIAL CIRCUIT
 ST. LOUIS COUNTY

STIRLING L. PORTER,)	
)	
Plaintiff,)	
)	Case No.
v.)	
)	JURY TRIAL DEMANDED
FEDEX FREIGHT INC., and)	
JEFFREY A. LEDEE,)	
)	
Defendants.)	

SERVE:

FEDEX FREIGHT, INC.
 2200 Forward Drive
 Harrison, AR 72601

JEFFREY A. LEDEE
 617 Wild Horse Creek Drive
 Fairview Heights, IL 62208

PETITION

COUNT I

(Negligence of Jeffrey Ledee)

COMES NOW, Plaintiff, Stirling L. Porter, and for his cause of action against the Defendant, Jeffrey Ledee, states as follows:

1. Plaintiff Stirling L. Porter is a citizen of the State of Missouri.
2. Defendant Jeffrey A. Ledee is a citizen of the State of Illinois, who was operating a commercial vehicle on Interstate 270 in Missouri on April 30, 2018.
3. At all times relevant herein, Interstate 270, at or near its intersection with Lindbergh Boulevard, was and is a public roadway in St. Louis County, Missouri.

4. Pursuant to RSMo 508.010, Section 4., notwithstanding any other provision of law, in all actions in which there is any count alleging a tort and in which the plaintiff was first injured in the state of Missouri, venue shall be in the county where the plaintiff was first injured by the acts or conduct alleged in the action. Therefore, venue is proper in this Court.

5. On the date and at the place referenced above, Defendant Jeffrey Ledee (hereinafter “Defendant Ledee”) was acting as Defendant Fedex Freight, Inc.’s agent while operating a 2016 Peterbilt Motors 579 truck, and pulling trailers, both of which were owned by Fedex Freight, Inc. on Interstate 270, at or near the above-described intersection.

6. Defendant Ledee owed a duty to Plaintiff and others to operate the commercial motor vehicle in a reasonably safe manner so as to not injure or damage the persons or property of Plaintiff and others.

7. On the date and at the place referenced above, Defendant Ledee breached the aforesaid duty he owed to Plaintiff in one or more of the following ways:

- a. Negligently and carelessly failed to yield the right-of-way; and/or
- b. Negligently and carelessly failed to reduce speed to avoid a collision with another vehicle; and/or
- c. Negligently and carelessly changed lanes without proper signal and without yielding to vehicles; and/or
- d. Negligently and carelessly failed to adjust speed, cover the brake, and increase awareness when approaching and changing lanes; and/or
- e. Negligently and carelessly failed to sound a warning of his approach; and/or
- f. Negligently and carelessly failed to maneuver his vehicle so that it did not strike Plaintiff’s vehicle; and/or
- g. Negligently and carelessly failed to pay attention to Plaintiff’s vehicle and other vehicles; and/or
- h. Negligently and carelessly failed to keep a proper lookout for other vehicles;

and/or

- i. Negligently and carelessly operated his vehicle while changing lanes.

8. As a direct and proximate result of one or more of the foregoing acts or omissions, the vehicle Defendant Ledee was operating struck the vehicle in which Plaintiff was traveling, which caused, and will in the future cause Plaintiff: pain, suffering, mental anguish, and discomfort as a result of multiple injuries to his body; loss of his normal life; to obtain medical and other health care to treat his injuries thereby becoming indebted for same; disfigurement; and, has in the past, and will in the future, suffer additional damages all in a sum in excess of Fifty Thousand Dollars (\$50,000.00).

WHEREFORE, Plaintiff Stirling L. Porter respectfully requests that judgment be entered for him against Defendant Jeffrey Ledee in an amount in excess of Fifty Thousand Dollars (\$50,000.00), plus his costs herein expended and for such further relief as this Court deems just and proper under the circumstances

COUNT II

(Vicarious Liability of Fedex Freight)

9. Plaintiff incorporates and adopts by reference each and every paragraph and subparagraph contained in Count I above as if fully stated herein.

10. Defendant Fedex Freight, Inc. (hereinafter "Defendant Fedex") is an Arkansas transportation company which is registered to do business and conducts business in the State of Missouri as an interstate motor carrier subject to the Federal Motor Carrier Safety Regulations promulgated by the Federal Motor Carrier Safety Administration, U.S. Department of Transportation.

11. Defendant Fedex is a subsidiary of FedEx Corporation.

12. FedEx Corporation has its home office, headquarters, and principal place of

business in Memphis, Tennessee.

13. At all times relevant herein, Defendant Fedex availed itself of the laws of St. Louis County, Missouri by conducting business in Hazelwood, Missouri, and it is in the interests of the citizens of St. Louis County to decide this controversy.

14. Venue is proper in St. Louis County, Missouri because this cause of action arose in the township of Hazelwood, County of St. Louis, State of Missouri.

15. Upon information and belief, on April 30, 2018, Defendant Fedex owned a 2016 Peterbilt Motors 579 truck, a commercial motor vehicle, which was being driven by its agent Jeffrey Ledee.

16. On April 30, 2019, Defendant Fedex's aforesaid commercial motor vehicle was traveling westbound on Interstate 270 when it struck Plaintiff's vehicle at or near the intersection with Lindbergh Boulevard in Hazelwood, Missouri.

17. At all times relevant herein, Defendant Fedex, by and through its agent Jeffrey Ledee, owed a duty to Plaintiff and others to operate the commercial motor vehicle in a reasonably safe manner so as to not injure or damage the persons or property of Plaintiff and others.

18. On the date and at the place referenced above, Defendant Fedex, by and through its agent Jeffrey Ledee, breached the aforesaid duty he owed to Plaintiff in one or more of the following ways:

- a. Negligently and carelessly failed to yield the right-of-way; and/or
- b. Negligently and carelessly failed to reduce speed to avoid a collision with another vehicle; and/or
- c. Negligently and carelessly changed lanes without proper signal and without yielding to vehicles; and/or
- d. Negligently and carelessly failed to adjust speed, cover the brake, and increase awareness when approaching and changing lanes; and/or

- e. Negligently and carelessly failed to sound a warning of his approach; and/or
- f. Negligently and carelessly failed to maneuver his vehicle so that it did not strike Plaintiff's vehicle; and/or
- g. Negligently and carelessly failed to pay attention to Plaintiff's vehicle and other vehicles; and/or
- h. Negligently and carelessly failed to keep a proper lookout for other vehicles; and/or
- i. Negligently and carelessly operated his vehicle while changing lanes.

19. As a direct and proximate result of one or more of the foregoing acts or omissions, Defendant's commercial motor vehicle struck the vehicle in which Plaintiff was traveling, which caused, and will in the future cause Plaintiff: pain, suffering, mental anguish, and discomfort as a result of multiple injuries to his body; loss of his normal life; to obtain medical and other health care to treat his injuries thereby becoming indebted for same; disfigurement; and, has in the past, and will in the future, suffer additional damages all in a sum in excess of Fifty Thousand Dollars (\$50,000.00).

WHEREFORE, Plaintiff Stirling L. Porter respectfully requests that judgment be entered for him against Defendant Fedex Freight, Inc. in an amount in excess of Fifty Thousand Dollars (\$50,000.00), plus his costs herein expended and for such further relief as this Court deems just and proper under the circumstances.

BROWN & CROUPPEN, P.C.

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